

# EXHIBIT A

To: Frank A. Battaglia (Winston & Strawn LLP)  
From: Marcelo M. Hirschler (GBH International)

May 12, 2024

Your email to me dated May 8, 2024, states that you are seeking my deposition as a “fact witness”.

In that case, the response is very simple. Neither I (Marcelo Hirschler) nor GBH International have ever received compensation for technical work specifically related to bathroom partitions or referencing or directly related to Scranton Products. There is no actual connection between any customers of mine (or of GBH International) and Scranton Products.

You are requesting four sets of documents, none of which exist. Your document requests state as follows:

1. “Documents reflecting any Compensation paid to You for any Consulting Work on any Fire Rating Code related to bathroom partitions”. Neither I nor GBH International have ever received compensation “for any consulting work on any Fire Rating Code related to bathroom partitions”.
2. Communications concerning Fire Rating Codes and their applicability to HDPE partitions”. Neither I nor GBH International have ever received compensation for “Communications concerning Fire Rating Codes and their applicability to HDPE partitions”. None of my customers have ever provided any explicit or implicit instructions relating to opinions regarding bathroom partitions. I have received compensation from my customers for expressing my opinions on ways to improve fire safety based on over 30 years of experience and expertise related to fire testing, fire-related codes and standards, and the fire performance of materials. Such opinions have been presented in various opportunities at several places, including ICC code hearings, NFPA codes and standards meetings (including the NFPA Annual Technical meeting) and other standards meetings.
3. Communications referencing or relating to Scranton Products. Neither I nor GBH International have ever had “Communications referencing or relating to Scranton Products.” I am not sure what products are manufactured (if any) by Scranton products. None of my customers have provided instructions relating to Scranton Products. The first time I am aware that I have heard the name of the company Scranton Products was during the June 22, 2023, NFPA Annual Technical meeting when Mr. Scott Dillon identified himself as speaking “on behalf of Scranton Products, a manufacturer of high-density polyethylene bathroom partitions”.
4. Communications with any individuals from the International Code Council or the National Fire Protection Association concerning bathroom partitions. Neither I nor GBH International have ever had communications with individuals from the International Code Council (ICC) or the National Fire Protection Association (NFPA) other than as follows. I have provided testimony (and it is possible that another GBH International scientist may have done so also) at ICC code hearings and at NFPA Technical Meetings regarding our opinions on ICC code proposals or comments or NFPA certified motions, some of which may have involved bathroom partitions. I have also worked as a member of the NFPA Technical Committees on Interior Finish (representing GBH International, as a Special Expert, without compensation from any clients) and as a member of the NFPA Technical Committee on Fire Tests (representing GBH International, as a Special Expert, without

compensation from any clients) when issues were discussed some of which may have related to bathroom partitions. As part of my activities at the NFPA Technical Committee on Fire Tests I have been a member of the task group on Bathroom Partitions (also known as toilet partitions) chaired by Karen Carpenter (Southwest Research Institute) representing myself. Clearly during testimony and discussions on these issues individuals from ICC and NFPA were present. Neither GBH International nor I have had any specific communications with ICC or NFPA individuals other than the public expression of testimony and opinions, in the interest of fire safety.

At the 2023 NFPA Annual Technical Meeting I spoke on behalf of two organizations, namely the Vinyl Institute and NAFRA (North American Flame Retardant Alliance). When speaking on the issue of interest to Scranton Products (namely the motion associated with NFPA 286) I spoke on behalf of the Vinyl Institute. On other opportunities during that meeting I spoke on behalf of NAFRA. My instructions from both organizations were (and continue to be) to provide my opinions in the interest of improving fire safety. Neither GBH International nor I have received specific directions from these (or other) customers or clients as to a particular position with regard to bathroom partitions.

As such, I object to the need for me to appear for a deposition as a “fact witness” as I am not a fact witness of any compensation that either GBH International or myself has received specifically related to bathroom partitions.

If your firm is still interested in deposing me on such a matter where no “facts” exist, I would request that it be done with minimal waste of my time by requesting a Zoom (or alternate software) deposition while I am in my office. Mr. Hittinger (BakerHostetler) suggested that he would like to attend such a Zoom deposition.

Dates I am available in May and June are as follows:

May 20, after 1 pm Pacific  
May 21 and May 22, after 9 am Pacific  
May 23, after 2.30 pm Pacific  
May 24, 9 am or after 2.30 pm Pacific  
May 28 and May 29, after 9 am Pacific  
May 30, after 2.30 pm Pacific  
May 31, after 9 am Pacific  
June 4, after 9 am Pacific  
June 14, after 2 pm Pacific  
June 24, after 9 am Pacific  
June 25, after 10 am Pacific

Yours sincerely

A handwritten signature in blue ink, appearing to read "Marcelo M. Hirschler". The signature is fluid and cursive, with the first name "Marcelo" being more prominent.

Dr. Marcelo M. Hirschler